



# **Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010**

Anand Satyanand, Governor-General

## **Order in Council**

At Wellington this 9th day of August 2010

Present:

His Excellency the Governor-General in Council

Pursuant to sections 400 to 402 of the Immigration Act 2009, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

### **Contents**

		Page
1	Title	3
2	Commencement	3
3	Overview	4
4	Interpretation	6

### **Part 1**

#### **Residence class visas**

5	Application requirements	7
6	Application requirements for holder or former holder of resident visa	8

7	Applications at immigration control area for second or subsequent resident visa	9
8	Applications at immigration control area by Australian citizens and permanent residents for resident visa	10
9	Notification of expression of interest in applying for residence class visa	11

**Part 2**

**Temporary entry class visas**

10	Application requirements other than at immigration control area	11
11	Application requirements at immigration control area	13
12	Applications that must be made online	14
13	Applications for diplomatic and consular officials	15
14	Applications for reconsideration of decision to decline further temporary visa	16

**Part 3**

**Transit visas**

15	Application requirements	16
16	People to whom waiver of requirement for transit visa applies	17
17	Holder of transit visa may be in New Zealand for up to 24-hour period	18

**Part 4**

**Other matters relating to visas and visa applications**

18	People to whom waiver of requirement for visa permitting travel to New Zealand applies	19
19	People deemed to be granted temporary entry class visa	19
20	Applications involving family members	19
21	Applications made without using approved form	21
22	Immigration officer may refuse to consider or continue considering application made under regulation 21	23
23	Applications for visas not otherwise provided for in these regulations	24

**Part 5**

**Entry permission**

24	Application requirements	24
25	People exempt from requirement to apply for entry permission	25

**Part 6****Miscellaneous matters**

26	Migrant levy	25
27	Migrant levy must be deposited with chief executive before visa granted	26
28	Exemption from payment of migrant levy	26
29	Obligations of people arriving in New Zealand at place other than immigration control area	27
30	People leaving New Zealand must complete approved form	27
31	Certain people leaving New Zealand not required to present themselves to immigration officer	28
32	Application for confirmation of immigration status	28
33	Application for endorsement of New Zealand citizenship in foreign passport	28
34	Minister may waive regulation requirements by special direction	30

**Schedule 1**

31

**Temporary entry class visas for which application must be made online****Schedule 2**

32

**People to whom transit visa waiver and waiver to travel to New Zealand apply****Schedule 3**

36

**People deemed to hold visa and have been granted entry permission**

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**Regulations**

- 1 Title**  
These regulations are the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010.
- 2 Commencement**  
These regulations come into force at 2 am on 29 November 2010.

**3 Overview**

- (1) These regulations prescribe matters for the purposes of various provisions of the Act.
- (2) Regulations 5 to 8 are for the purposes of section 57(1) of the Act. They prescribe the manner in which applications for residence class visas must be made.
- (3) Regulation 9 is for the purpose of section 92(1) of the Act. It prescribes the manner in which a person who is of a class or category that, by virtue of immigration instructions, may only apply for a residence class visa by invitation must notify his or her interest in obtaining an invitation.
- (4) Regulations 10 to 13 are for the purposes of section 57(1) of the Act. They prescribe the manner in which applications for temporary entry class visas must be made.
- (5) Regulation 14 is for the purposes of section 185(2) of the Act. It prescribes the manner in which an application for a reconsideration of a decision to decline a temporary visa must be made.
- (6) Regulation 15 is for the purposes of section 57(1) of the Act. It prescribes the manner in which applications for transit visas must be made.
- (7) Regulation 16 is for the purposes of section 86(2)(a) of the Act. It sets out the classes of people to whom a transit visa waiver applies.
- (8) Regulation 17 is for the purposes of section 88(1) of the Act. It prescribes the period for which a person may be in New Zealand as the holder of a transit visa.
- (9) Regulation 18 is for the purposes of section 69(1) of the Act. It sets out the classes of people to whom the requirement to hold a visa permitting travel to New Zealand is waived and the conditions that must be satisfied for the waiver to apply.
- (10) Regulation 19 is for the purposes of section 401(a) of the Act. It prescribes the situations under which people are deemed to have been granted temporary entry class visas under the Act and the period for which the visas are deemed to be held.
- (11) Regulation 20 is for the purposes of section 57(1) of the Act. It authorises certain visa applications to include family members of the applicant.

- (12) Regulations 21 and 22 are for the purposes of section 57(1) of the Act. Regulation 21 prescribes the manner in which applications for a visa may be made without using an approved form. Regulation 22 sets out the consequences if an immigration officer refuses to process, or continue to process, the application.
- (13) Regulation 23 is for the purposes of section 57(1) of the Act. It provides a process by which an application for a visa may be made where the requirements to apply for the visa or circumstances in which the application for the visa is to be made are not provided for elsewhere in these regulations.
- (14) Regulation 24 is for the purposes of section 103(1)(d) of the Act. It sets out the manner in which an application for entry permission must be made.
- (15) Regulation 25 is for the purposes of sections 103(1)(d) and 402(j) of the Act. It exempts people arriving in New Zealand, in certain circumstances, from the requirement in section 103(1)(d) of the Act to apply for entry permission and deems entry permission to be granted to them.
- (16) Regulations 26 and 27 are for the purposes of section 399(3)(a) to (c) and (e) of the Act. They specify who is liable to pay a migrant levy, and prescribe the amount of the levy and the manner of its deposit.
- (17) Regulation 28 is for the purposes of section 399(3)(d) of the Act. It specifies who is exempt from paying a migrant levy.
- (18) Regulation 29 is for the purposes of section 103(1)(b) of the Act. It sets out the manner and time within which a person who arrives in New Zealand at a place other than an immigration control area must present himself or herself.
- (19) Regulation 30 is for the purposes of section 119(1)(c) of the Act. It prescribes the documentation that people leaving New Zealand must complete and specifies those people who are exempt from doing so.
- (20) Regulation 31 is for the purposes of section 119(1)(a) of the Act. It exempts certain people leaving New Zealand from the obligation to present themselves to an immigration officer.

- (21) Regulation 32 is for the purposes of section 62(3) of the Act. It sets out how a person may obtain an endorsement (to confirm his or her immigration status).
- (22) Regulation 33 is for the purposes of section 384(4) of the Act. It prescribes the manner in which and evidence required for a New Zealand citizen to obtain an endorsement in a non-New Zealand passport indicating that the person is a New Zealand citizen.
- (23) Regulation 34 applies for the purposes of section 378 of the Act. It sets out when the Minister may waive matters provided for by these regulations by special direction.

#### 4 Interpretation

- (1) In these regulations, unless the context requires another meaning,—
  - Act** means the Immigration Act 2009
  - approved form** means a form approved by the chief executive under section 381(1) of the Act
  - civilian component** has the meaning given in section 4(1) of the Visiting Forces Act 2004
  - dependent child** means a child who is totally or substantially reliant on the applicant or the applicant's spouse or partner for financial support, regardless of whether the child lives with the applicant or his or her spouse or partner, or both
  - identity document** means a document that—
    - (a) confirms a person's identity; and
    - (b) includes the person's full name and date of birth, and a photograph of the person's head and shoulders
  - member of a visiting force** has the meaning given in section 4(1) of the Visiting Forces Act 2004
  - partner** means a civil union partner or a de facto partner
  - visiting force** has the meaning given in section 4(1) of the Visiting Forces Act 2004.
- (2) Words and expressions defined in the Act and used, but not defined, in these regulations have the same meaning as in the Act.

## **Part 1**

### **Residence class visas**

#### **5 Application requirements**

- (1) This regulation applies to all applications for a residence class visa except the following:
  - (a) certain residence class visa applications where the applicant already holds or has previously held a resident visa, in which case, depending on where the application is made, regulation 6 or 7 applies;
  - (b) an application for a resident visa made at an immigration control area by a citizen of Australia or a person who holds a current permanent residence visa (including a resident return visa) issued by the Government of Australia, in which case regulation 8 applies.
- (2) An application must be—
  - (a) made on an approved form; and
  - (b) completed in English; and
  - (c) signed by the applicant (unless the applicant is less than 18 years old, in which case it must be signed by a parent or guardian of the applicant); and
  - (d) given to an immigration officer together with the following material:
    - (i) the applicant's passport or certificate of identity or, if that is unavailable, his or her original full birth certificate (or a certified copy) or other identity document (or a certified copy); and
    - (ii) 2 passport-sized photographs of the applicant's head and shoulders; and
    - (iii) the information and evidence required by the relevant immigration instructions to demonstrate that the applicant fits the category or categories of immigration instructions under which the application is being made; and
    - (iv) any other information, evidence, or submissions that the applicant considers shows that he or she is eligible to be granted a visa in terms of the immigration instructions; and
    - (v) if not supplied under subparagraph (i), the applicant's original full birth certificate (or a certified

- copy) or, if that is unobtainable, his or her original identity document (or a certified copy).
- (3) The immigration officer processing the application may require the applicant to do 1 or more of the following before determining the application:
- (a) be interviewed by an immigration officer;
  - (b) produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application;
  - (c) undergo a medical examination or another medical examination, as the case may be.

**6 Application requirements for holder or former holder of resident visa**

- (1) This regulation applies to the following applications:
- (a) an application for a permanent resident visa by a person holding a resident visa;
  - (b) an application for a permanent resident visa by a person who previously held a resident visa;
  - (c) an application for a resident visa by a person who previously held a resident visa (unless the application is made at an immigration control area, in which case regulation 7 applies instead);
  - (d) an application by a person holding a resident visa to vary the travel conditions of the visa.
- (2) An application must be—
- (a) made on an approved form; and
  - (b) completed in English; and
  - (c) signed by the applicant (unless the applicant is less than 18 years old, in which case it must be signed by a parent or guardian of the applicant); and
  - (d) given to an immigration officer together with the following material:
    - (i) evidence of the applicant's current or previous resident visa or visas; and
    - (ii) the applicant's passport or certificate of identity or, if that is unavailable, his or her original full birth certificate (or a certified copy) or other identity document (or a certified copy); and

- (iii) 2 passport-sized photographs of the applicant's head and shoulders; and
  - (iv) the information and evidence required by the relevant immigration instructions to demonstrate that the applicant fits the category or categories of immigration instructions under which the application is being made; and
  - (v) any other information, evidence, or submissions that the applicant considers shows that he or she is eligible to be granted a visa in terms of the immigration instructions.
- (3) The immigration officer processing the application may require the applicant to do 1 or both of the following before determining the application:
- (a) be interviewed by an immigration officer:
  - (b) produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application.
- (4) In subclause (1), **person who previously held a resident visa** means a person whose resident visa has expired because he or she has travelled in a way that does not meet the travel conditions of the visa.

**7 Applications at immigration control area for second or subsequent resident visa**

- (1) In this section, **person who previously held a resident visa** has the same meaning as in regulation 6(4).
- (2) An application for a resident visa by a person who previously held a resident visa may be made at an immigration control area.
- (3) An application must—
- (a) be made on an approved form; and
  - (b) relate to only 1 person; and
  - (c) be completed in English; and
  - (d) be signed by the applicant; and
  - (e) be given to an immigration officer together with the applicant's passport or certificate of identity.

- (4) Subclause (3)(d) applies unless the applicant is less than 18 years old, in which case—
  - (a) the application form must be signed by a parent or guardian of the applicant, if the applicant is accompanied by that person; or
  - (b) the application form is not required to be signed, if the applicant is not accompanied by a parent or guardian.
- (5) The immigration officer processing the application may require the applicant to do 1 or both of the following before determining the application:
  - (a) be interviewed by an immigration officer;
  - (b) produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application, including information or evidence demonstrating that the applicant falls within the definition in subclause (1).

**8 Applications at immigration control area by Australian citizens and permanent residents for resident visa**

- (1) A citizen of Australia or a person who holds a current permanent residence visa (including a resident return visa) issued by the Government of Australia may apply for a residence class visa at an immigration control area.
- (2) An application must—
  - (a) be made on an approved form; and
  - (b) relate to only 1 person; and
  - (c) be completed in English; and
  - (d) be signed by the applicant; and
  - (e) be given to an immigration officer together with the applicant's passport or certificate of identity.
- (3) Subclause (2)(d) applies unless the applicant is less than 18 years old, in which case—
  - (a) the application form must be signed by a parent or guardian of the applicant, if the applicant is accompanied by that person; or
  - (b) the application form is not required to be signed, if the applicant is not accompanied by a parent or guardian.

- (4) The immigration officer processing the application may require the applicant to do 1 or more of the following before determining the application:
- (a) be interviewed by an immigration officer;
  - (b) produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application, including information or evidence demonstrating that the applicant is a person described in subclause (1);
  - (c) undergo a medical examination or another medical examination, as the case may be.

**9 Notification of expression of interest in applying for residence class visa**

A person must notify his or her interest in obtaining an invitation to apply for a residence class visa by—

- (a) completing the approved form (in English); and
- (b) giving the form to an immigration officer (either physically or in an electronic form acceptable to the officer).

**Part 2**

**Temporary entry class visas**

**10 Application requirements other than at immigration control area**

- (1) This regulation applies to all applications for a temporary entry class visa made anywhere other than at an immigration control area, except the following:
- (a) applications for a temporary entry class visa that must be made online, in which case regulation 12 applies;
  - (b) applications by or on behalf of diplomatic or consular officials, in which case regulation 13 applies.
- (2) An application must—
- (a) be made on an approved form; and
  - (b) relate to only 1 person (unless regulation 20 applies); and
  - (c) be completed in English; and

- (d) be signed by the applicant (unless the applicant is less than 18 years old, in which case it must be signed by a parent or guardian of the applicant); and
  - (e) be given to an immigration officer together with the following material:
    - (i) the applicant's passport or certificate of identity or, if that is unavailable, his or her original full birth certificate (or a certified copy) or other identity document (or a certified copy); and
    - (ii) 2 passport-sized photographs of the applicant's head and shoulders; and
    - (iii) the information and evidence required by the relevant immigration instructions to demonstrate that the applicant fits the category or categories of immigration instructions under which the application is being made; and
    - (iv) any other information, evidence, or submissions that the applicant considers shows that he or she is eligible to be granted a visa in terms of the relevant immigration instructions.
- (3) The immigration officer processing the application may require the applicant to do 1 or more of the following before determining the application:
- (a) be interviewed by an immigration officer:
  - (b) produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application:
  - (c) undergo a medical examination or another medical examination, as the case may be:
  - (d) produce travel tickets to a country that the person has right of entry to or other evidence of onward travel arrangements that the officer thinks necessary for him or her to determine the application:
  - (e) produce evidence of the applicant's funds for maintenance while in New Zealand or evidence of the applicant's sponsorship that the officer thinks necessary for him or her to determine the application.

**11 Application requirements at immigration control area**

- (1) An application for a temporary entry class visa made at an immigration control area must—
  - (a) be made on an approved form; and
  - (b) relate to only 1 person; and
  - (c) be completed in English; and
  - (d) be signed by the applicant; and
  - (e) be given to an immigration officer together with the applicant's passport or certificate of identity.
- (2) Subclause (1)(d) applies unless the applicant is less than 18 years old, in which case—
  - (a) the application form must be signed by a parent or guardian of the applicant, if the applicant is accompanied by that person; or
  - (b) the application form is not required to be signed, if the applicant is not accompanied by a parent or guardian.
- (3) Subclause (1)(e) does not apply to a member of a visiting force (including a member of the civilian component of a visiting force) or a crew member of any craft used for transporting a visiting force if the person's presence in New Zealand is in the ordinary course of his or her duty or employment.
- (4) The immigration officer processing an application may require the applicant to do 1 or more of the following before determining the application:
  - (a) be interviewed by an immigration officer;
  - (b) produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application;
  - (c) undergo a medical examination or another medical examination, as the case may be;
  - (d) produce travel tickets to a country that the person has right of entry to or other evidence of onward travel arrangements that the officer thinks necessary for him or her to determine the application;
  - (e) produce evidence of the applicant's funds for maintenance while in New Zealand or evidence of the applicant's sponsorship that the officer thinks necessary for him or her to determine the application.

**12 Applications that must be made online**

- (1) This regulation applies to applications for the categories of temporary entry class visa specified in the first column of Schedule 1.
- (2) An application must be made—
  - (a) online at the Internet site of the Department; and
  - (b) using the electronic form provided on the site for the purpose.
- (3) Without limiting subclause (2)(b), the electronic form must require the applicant to—
  - (a) state his or her full name; and
  - (b) state his or her date of birth; and
  - (c) state the details of his or her passport or other certificate of identity and, if applicable, confirm that he or she has the appropriate status for the visa category as specified in the second column of Schedule 1; and
  - (d) produce the information and evidence required by the relevant working holiday scheme, or immigration instructions, to demonstrate that the applicant fits the category or categories under which the application is being made; and
  - (e) acknowledge that the details supplied in support of the application are true and correct to the best of the applicant's knowledge; and
  - (f) agree that, if the applicant's circumstances change before any visa is granted, the applicant will notify an immigration officer of the change in circumstances.
- (4) The immigration officer processing the application may require the applicant to do 1 or more of the following before determining the application:
  - (a) be interviewed by an immigration officer;
  - (b) produce his or her passport or other certificate of identity;
  - (c) produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application;
  - (d) produce travel tickets to a country that the person has right of entry to or other evidence of onward travel ar-

rangements that the officer thinks necessary for him or her to determine the application:

- (e) produce evidence of the applicant's funds for maintenance while in New Zealand or evidence of the applicant's sponsorship that the officer thinks necessary for him or her to determine the application.

### **13 Applications for diplomatic and consular officials**

- (1) This regulation applies to applications for temporary entry class visas for people who are, for the time being, accorded privileges and immunities under—
  - (a) the Vienna Convention on Diplomatic Relations in accordance with the Diplomatic Privileges and Immunities Act 1968; or
  - (b) the Vienna Convention on Consular Relations in accordance with the Consular Privileges and Immunities Act 1971.
- (2) An application must be made by the sending State on the person's behalf—
  - (a) to an office of the Department or an immigration officer, if the application is made offshore; or
  - (b) to the Protocol Division of the Ministry of Foreign Affairs and Trade, if the application is made onshore.
- (3) The application must include the following information about the person (supplied in any appropriate way):
  - (a) his or her full name; and
  - (b) his or her gender; and
  - (c) his or her date and place of birth; and
  - (d) his or her country or countries of citizenship; and
  - (e) his or her passport type, its number, and its expiry date; and
  - (f) his or her diplomatic designation; and
  - (g) the approximate duration of his or her assignment in New Zealand; and
  - (h) if applicable, the proposed date of his or her arrival in New Zealand; and
  - (i) if applicable, the details of his or her officially recognised accompanying family who will form part of his or her household in New Zealand.

- (4) The application must also include the following information (supplied in any appropriate way):
- (a) the physical address of the diplomatic mission or consular post; and
  - (b) if applicable, the name of the person being replaced.

**14 Applications for reconsideration of decision to decline further temporary visa**

- (1) An application for reconsideration of a decision to decline a further temporary visa must be—
- (a) completed in English; and
  - (b) signed by the applicant (unless the applicant is less than 18 years old, in which case it must be signed by a parent or guardian of the applicant); and
  - (c) given to an immigration officer at an office of the Department together with the following material:
    - (i) the applicant's passport or certificate of identity; and
    - (ii) a full explanation of the matters that the applicant wishes to be taken into consideration by the immigration officer (or the Minister, as the case may be) responsible for reconsidering the declined application to which this application relates.
- (2) The immigration officer (or the Minister) responsible for reconsidering the declined application to which this application relates may, before determining the application, require the applicant to produce further information or evidence (including photographs) that the officer (or the Minister) thinks necessary for him or her to determine the application.

**Part 3**  
**Transit visas**

**15 Application requirements**

- (1) An application for a transit visa must be—
- (a) made on an approved form; and
  - (b) completed in English; and

- (c) signed by the applicant (unless the applicant is less than 18 years old, in which case it must be signed by a parent or guardian of the applicant); and
  - (d) given to an immigration officer together with the following material:
    - (i) the applicant's passport or certificate of identity; and
    - (ii) 2 passport-sized photographs of the applicant's head and shoulders; and
    - (iii) the travel tickets to a country that the person has right of entry to or other evidence of onward travel arrangements that the officer thinks necessary for him or her to determine the application; and
    - (iv) a confirmed travel itinerary that includes arrival and departure times from New Zealand; and
    - (v) a statement of the purpose of the journey to the country of destination; and
    - (vi) any other information or evidence (including photographs) that the applicant considers demonstrates that he or she is a bona fide transit passenger.
- (2) The immigration officer processing the application may require the applicant to do either or both of the following before determining the application:
- (a) be interviewed by an immigration officer;
  - (b) produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application.

#### **16 People to whom waiver of requirement for transit visa applies**

The following people are not required to apply for or obtain a transit visa before travelling to and being in New Zealand as a transit passenger (as defined in section 86(7) of the Act):

- (a) a person who holds a current visa of another class granted under the Act;
- (b) a person whose immediate or ultimate destination after transiting through New Zealand is Australia and he or

she holds a current visa issued by the Government of Australia to enter Australia:

- (c) a person who is a citizen of any of the following countries:
  - (i) Bahamas:
  - (ii) Bermuda:
  - (iii) Bolivia:
  - (iv) Colombia:
  - (v) Costa Rica:
  - (vi) Ecuador:
  - (vii) Federated States of Micronesia:
  - (viii) Indonesia:
  - (ix) Kiribati:
  - (x) Nauru:
  - (xi) Palau:
  - (xii) Panama:
  - (xiii) Papua New Guinea:
  - (xiv) Paraguay:
  - (xv) Peru:
  - (xvi) Philippines:
  - (xvii) Republic of the Marshall Islands:
  - (xviii) Samoa:
  - (xix) Solomon Islands:
  - (xx) Thailand:
  - (xxi) Tonga:
  - (xxii) Tuvalu:
  - (xxiii) Vanuatu:
  - (xxiv) Venezuela:
- (d) a person described in Schedule 2.

**17 Holder of transit visa may be in New Zealand for up to 24-hour period**

A person who holds a transit visa may be in New Zealand for a period not exceeding 24 hours.

**Part 4**  
**Other matters relating to visas and visa applications**

**18 People to whom waiver of requirement for visa permitting travel to New Zealand applies**

- (1) The requirement to hold a visa permitting travel to New Zealand is waived for the people described in Schedule 2.
- (2) To avoid doubt, in order to enter and stay in New Zealand a person to whom this regulation applies must, on arrival, still apply for—
  - (a) a visa (under regulation 7, 8, or 11, as the case may be); and
  - (b) entry permission (under regulation 24).
- (3) Subclause (2) applies unless the person is also a person who—
  - (a) is deemed to hold a temporary entry class visa under regulation 19; and
  - (b) is exempt from the requirement to apply, and is deemed to have been granted, entry permission under regulation 25.

**19 People deemed to be granted temporary entry class visa**

- (1) The people in the situations described in the first column of Schedule 3 are deemed—
  - (a) to have been granted a visa of the type specified in the second column of Schedule 3; and
  - (b) to hold the visa for the period of time specified in the third column of Schedule 3.
- (2) Regulations 25 and 31 set out exemptions that apply to those people.

**20 Applications involving family members**

- (1) An application for a visa may relate to the applicant and—
  - (a) any dependent children of the applicant;
  - (b) the applicant's spouse or partner.
- (2) Subclause (1)(a) applies only if—
  - (a) each dependent child included in the application is less than 25 years old and the applicant is applying other than at an immigration control area for—

- (i) a residence class visa; or
  - (ii) a variation of travel conditions on a resident visa;  
or
- (b) each dependent child included in the application is less than 20 years old and the applicant is applying for—
  - (i) a temporary entry class visa, other than at an immigration control area, that is a temporary visa or a limited visa; or
  - (ii) a transit visa.
- (3) Subclause (1)(b) applies only if the applicant is applying for—
  - (a) a residence class visa or variation of travel conditions on a resident visa other than at an immigration control area; or
  - (b) a temporary entry class visa, other than at an immigration control area, that is a temporary visa or a limited visa; or
  - (c) a transit visa.
- (4) A notification of an expression of interest in applying for a residence class visa may relate to the applicant and—
  - (a) any dependent children of the applicant, but only if each dependent child included in the application is less than 25 years old;
  - (b) the applicant's spouse or partner.
- (5) For the purposes of the application or notification and any relevant immigration instructions,—
  - (a) each person included in the application is an applicant; and
  - (b) the applicant who is declared to be the principal applicant on the application form is deemed to be the principal applicant; and
  - (c) the requirements in relation to the application (including any that an immigration officer may require an applicant to meet before determining an application) must be met in relation to the principal applicant and each applicant, except that any applicant less than 18 years old is not required to sign the application; and
  - (d) evidence of the relationship of each applicant to the principal applicant must be given with the application.

- (6) To avoid doubt, except as provided in this regulation, a child (regardless of age or dependency), spouse, or partner of an applicant for a visa must make a separate application for the appropriate visa.

**21 Applications made without using approved form**

- (1) This regulation applies to an application for a visa if—
- (a) a person requests an immigration officer to consider his or her application for a visa without using the relevant approved form to do so, and the immigration officer agrees to the request; or
  - (b) a person on behalf of any other person (**agent**) requests an immigration officer to consider the person's application for a visa without using the relevant approved form to do so, and the immigration officer agrees to the request (in which case the references in this regulation to the applicant must be read, where appropriate, as references to the applicant's agent).
- (2) The application may be made by the applicant supplying the following information in English and in any way appropriate to the circumstances:
- (a) his or her full name; and
  - (b) his or her date and place of birth; and
  - (c) details of his or her passport or certificate of identity, including country of citizenship; and
  - (d) the type of visa he or she is applying for; and
  - (e) details of any current or previous visa (or permit, as the case may be) held by him or her; and
  - (f) any other information that he or she considers shows that the visa application should be granted; and
  - (g) the information and evidence that the immigration officer thinks necessary for him or her to determine the application.
- (3) The application must be completed by the applicant—
- (a) acknowledging that the details supplied in support of the application are true and correct to the best of his or her knowledge; and

- (b) agreeing that, if his or her circumstances change before any visa is granted, he or she will notify an immigration officer of the change in circumstances; and
  - (c) signing the application (except if the application is made in an electronic format).
- (4) If the applicant is less than 18 years old, subclause (3)(c) does not apply. Instead, the application must be signed by his or her parent or guardian, except if the application is made in an electronic format or at an immigration control area (in which case the form must be signed by the parent or guardian only if the applicant is accompanied by that person).
- (5) The immigration officer processing the application may require the applicant to do 1 or more of the following before determining the application:
  - (a) be interviewed by an immigration officer:
  - (b) undergo a medical examination or another medical examination, as the case may be:
  - (c) produce his or her passport or other certificate of identity:
  - (d) produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application:
  - (e) if applicable, produce travel tickets to a country that the person has right of entry to or other evidence of onward travel arrangements that the officer thinks necessary for him or her to determine the application:
  - (f) if applicable, produce evidence of the applicant's funds for maintenance while in New Zealand or evidence of the applicant's sponsorship that the officer thinks necessary for him or her to determine the application.
- (6) An application may relate to—
  - (a) only 1 person; or
  - (b) 1 person and his or her dependent children, spouse or partner, or both, but only if the application is made other than at an immigration control area and either—
    - (i) the application is for a residence class visa or a variation of travel conditions on a resident visa and any dependent children included in the application are less than 25 years old; or

- (ii) the application is for a temporary entry class visa that is a temporary visa or a limited visa or for a transit visa, and any dependent children included in the application are less than 20 years old.
- (7) For the purposes of an application to which subclause (6) and any relevant immigration instructions apply,—
  - (a) each person included in the application is an applicant; and
  - (b) the applicant who is declared to be the principal applicant on the application form is deemed to be the principal applicant; and
  - (c) the requirements in relation to the application (including any that an immigration officer may require an applicant to meet before determining an application) must be met in relation to the principal applicant and each applicant, except that any applicant less than 18 years old is not required to sign the application; and
  - (d) evidence of the relationship of each applicant to the principal applicant must be given with the application.
- (8) Without limiting the way in which an applicant or an immigration officer may communicate or supply information for the purposes of this regulation, an applicant or officer may communicate or supply information in person, in writing, by telephone, or by fax or other electronic means.
- (9) This regulation is subject to regulation 22.

**22 Immigration officer may refuse to consider or continue considering application made under regulation 21**

- (1) Despite regulation 21(1) being satisfied in relation to an application for a visa, an immigration officer may, at any time before a visa is granted as a result of the application, refuse to consider the application, or continue to consider the application, and inform the applicant that if he or she wishes to pursue the application, he or she must do so using the relevant approved form.
- (2) If subclause (1) applies,—
  - (a) the application made under regulation 21 must be treated as not having been made; and

- (b) the applicant must apply for the visa in the normal way in accordance with the other provisions of these regulations and using any relevant approved form.

**23 Applications for visas not otherwise provided for in these regulations**

- (1) This regulation applies if—
  - (a) a person wishes to apply for a visa; and
  - (b) the requirements to apply for the particular visa or circumstances in which the application for the particular visa is to be made are not provided for elsewhere in these regulations.
- (2) The Minister may, by special direction, require that the application be made in accordance with whichever of these regulations as appears to the Minister to be most appropriate, and those regulations apply accordingly, with any necessary modifications.

**Part 5**  
**Entry permission**

**24 Application requirements**

- (1) An application for entry permission must be made at an immigration control area.
- (2) An application must—
  - (a) be made on an approved form; and
  - (b) relate to only 1 person; and
  - (c) be completed in English; and
  - (d) be signed by the applicant; and
  - (e) be given to an immigration officer together with the following material:
    - (i) the applicant's passport or certificate of identity; and
    - (ii) evidence of any visa that the applicant holds.
- (3) Subclause (2)(d) applies unless the applicant is less than 18 years old, in which case—
  - (a) the application form must be signed by a parent or guardian of the applicant, if the applicant is accompanied by that person; or

- (b) the application form is not required to be signed, if the applicant is not accompanied by a parent or guardian.
- (4) Subclause (2)(e)(i) does not apply to a member of a visiting force (including a member of the civilian component of a visiting force) or a crew member of any craft used for transporting a visiting force if the person's presence in New Zealand is in the ordinary course of his or her duty or employment.
- (5) The immigration officer processing an application may require the applicant to do 1 or more of the following before determining the application:
  - (a) be interviewed by an immigration officer;
  - (b) produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application;
  - (c) undergo a medical examination or another medical examination, as the case may be.

**25 People exempt from requirement to apply for entry permission**

The people in the situations described in the first column of Schedule 3 are—

- (a) exempt from the requirement under section 103(1)(d) of the Act to apply for entry permission; and
- (b) deemed to have been granted entry permission on their arrival in New Zealand.

**Part 6**  
**Miscellaneous matters**

**26 Migrant levy**

- (1) A migrant levy of NZ\$300 is payable by every person who is granted a residence class visa—
  - (a) at any time and place other than on arrival in New Zealand at an immigration control area; and
  - (b) in accordance with any category of immigration instructions; and
  - (c) whether the person was an applicant for the visa in his or her own right or included in another person's application.

- (2) However, for the following people, the migrant levy is NZ\$150:
- (a) a person described in subclause (1) who is—
    - (i) granted a resident visa; and
    - (ii) less than 5 years old;
  - (b) a person described in subclause (1) who is granted a resident visa in accordance with the Pacific Access Category.
- (3) Despite subclauses (1) and (2), the maximum total migrant levy payable for a group of people who have been granted visas as a result of a single visa application is the sum of the amounts payable by the 4 oldest people included in the application.
- (4) To avoid doubt, the migrant levy payable in accordance with this regulation is in addition to any other amount payable for the application for the relevant visa (or visas), or the granting of the relevant visa (or visas), or both.
- (5) This regulation applies subject to any special direction given by the Minister under section 378(1) of the Act that relates to the person.
- (6) This regulation does not apply if a person is exempt under regulation 28 from the requirement to pay the migrant levy.

**27 Migrant levy must be deposited with chief executive before visa granted**

The migrant levy payable under regulation 26 must be deposited with the chief executive before the relevant visa is granted to the person concerned.

**28 Exemption from payment of migrant levy**

The following people are exempt from paying the migrant levy imposed under regulation 26:

- (a) a person who has previously paid a migrant levy;
- (b) a citizen of Samoa granted a residence class visa under any of the following categories:
  - (i) the Samoan Quota scheme;
  - (ii) the Special Quota Places Category;
  - (iii) a family category of immigration instructions;

- (c) a refugee or a protected person granted a residence class visa:
- (d) a person granted a residence class visa on the basis of his or her relationship with a person described in paragraph (c):
- (e) a person granted a residence class visa under the Special Category for Victims of Domestic Violence.

**29 Obligations of people arriving in New Zealand at place other than immigration control area**

- (1) Subclause (2) applies to a person who—
  - (a) arrives in New Zealand at a place other than an immigration control area; and
  - (b) has not been granted a visa or entry permission.
- (2) The person must report to an immigration officer at an immigration control area no later than 72 hours after arriving in New Zealand and apply for a visa or entry permission, as the case may be, in accordance with the relevant provisions of these regulations.
- (3) This regulation does not apply to—
  - (a) people in the situations described in the first column of Schedule 3; or
  - (b) a person exempted by special direction from complying with this regulation.

**30 People leaving New Zealand must complete approved form**

- (1) Each person leaving New Zealand must complete the relevant approved form.
- (2) The approved form must be given to an immigration officer together with the person's passport or certificate of identity.
- (3) This regulation does not apply to—
  - (a) people in the situations described in the first column of Schedule 3; or
  - (b) a person exempted by special direction from complying with this regulation.

**31 Certain people leaving New Zealand not required to present themselves to immigration officer**

The people in the situations described in the first column of Schedule 3 are not required to present themselves to an immigration officer before leaving New Zealand.

**32 Application for confirmation of immigration status**

- (1) A person may obtain an endorsement (to confirm his or her immigration status) in either of the following circumstances:
  - (a) the person wants his or her passport or certificate of identity to be endorsed; or
  - (b) the person wants an endorsement to be transferred to a new passport or certificate of identity.
- (2) A person must make an application on an approved form.
- (3) An application must be given to an immigration officer at an office of the Department together with the following material:
  - (a) the applicant's passport or certificate of identity; and
  - (b) if applicable, any previous or expired passport or certificate of identity; and
  - (c) evidence of the applicant's current visa.
- (4) The immigration officer processing the application may before determining the application require the applicant to produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application.

**33 Application for endorsement of New Zealand citizenship in foreign passport**

- (1) A first-time application for endorsement of New Zealand citizenship in a foreign passport must—
  - (a) be made on an approved form; and
  - (b) relate to only 1 person; and
  - (c) be completed in English; and
  - (d) be signed by the applicant (unless the applicant is less than 18 years old, in which case the application form must be signed by a parent or guardian of the applicant); and
  - (e) be given to an immigration officer together with the following material:

- (i) the applicant's passport that he or she wishes to be endorsed; and
  - (ii) one of the following as evidence that he or she is a New Zealand citizen:
    - (A) an original or a certified copy of a New Zealand passport; or
    - (B) an original or a certified copy of a New Zealand birth certificate issued before 1 January 2006; or
    - (C) an original or a certified copy of a New Zealand birth certificate issued on or after 1 January 2006 that positively indicates the holder of the certificate has New Zealand citizenship; or
    - (D) an original or a certified copy of a certificate of New Zealand citizenship issued under the Citizenship Act 1977; or
    - (E) an original or a certified copy of a certificate of confirmation of New Zealand citizenship by descent issued under the Citizenship Act 1977; or
    - (F) an original or a certified copy of an evidentiary certificate issued under the Citizenship Act 1977 confirming New Zealand citizenship.
- (2) A second or subsequent application for an endorsement of New Zealand citizenship in a foreign passport must—
- (a) be made on an approved form; and
  - (b) relate to only 1 person; and
  - (c) be completed in English; and
  - (d) be signed by the applicant (unless the applicant is less than 18 years old, in which case the application form must be signed by a parent or guardian of the applicant); and
  - (e) be given to an immigration officer together with the following material:
    - (i) the applicant's passport that he or she wishes to be endorsed; and

- (ii) a declaration that he or she has previously held a foreign passport with an endorsement confirming New Zealand citizenship.

**34 Minister may waive regulation requirements by special direction**

- (1) The Minister may waive the following matters provided for by these regulations by special direction:
    - (a) 1 or more of the requirements for applying for a visa (whether at an immigration control area or otherwise):
    - (b) 1 or more of the requirements for applying for a second or subsequent resident visa:
    - (c) 1 or more of the requirements for varying conditions of travel for a resident visa:
    - (d) 1 or more of the requirements for notifying an expression of interest in applying for a residence class visa:
    - (e) 1 or more of the requirements for applying for entry permission:
    - (f) any matter relating to an endorsement of New Zealand citizenship in a New Zealand citizen's foreign passport.
  - (2) A special direction may apply in respect of either—
    - (a) a particular person; or
    - (b) 2 or more particular people where by reason of any specific event, occurrence, or unusual circumstances, there is a common link between those people.
  - (3) To avoid doubt, subclause (1) is in addition to any express power in these regulations that authorises the Minister to give a special direction.
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**Schedule 1** r 12(1), (3)(c)  
**Temporary entry class visas for which  
application must be made online**

<b>Category</b>	<b>Status of applicant</b>
Argentina working holiday scheme	Citizen of Argentina
Chile working holiday scheme	Citizen of Chile
China working holiday scheme	Citizen of China
Taiwan working holiday scheme	Household registration under laws of Taiwan
Silver Fern Job Search immigration instructions	

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**Schedule 2**

rr 16(d), 18(1)

**People to whom transit visa waiver and  
waiver to travel to New Zealand apply**

- 1 Citizens of Australia and people who hold a current permanent residence visa (including a resident return visa) issued by the Government of Australia.
- 2 British citizens and British passport holders who produce evidence of the right to reside permanently in the United Kingdom, but only if—
  - (a) the person concerned is seeking a temporary visa that is current for no more than 6 months; and
  - (b) the purpose of the visit does not include medical consultation or treatment.
- 3 Members of, or any person associated with, a scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty (within the meaning of the Antarctica Act 1960) or any person to whom section 5 of that Act applies, but only if—
  - (a) the person concerned is seeking a temporary entry class visa; and
  - (b) the application is made at an immigration control area.
- 4 Each member of a visiting force (including each member of the civilian component of the visiting force) and each crew member of any craft transporting the visiting force, but only if—
  - (a) each person is travelling to New Zealand in the ordinary course of that person's duty or employment; and
  - (b) each person is seeking a temporary entry class visa; and
  - (c) the applications are made at an immigration control area.
- 5 Residents of Hong Kong travelling on Hong Kong Special Administrative Region or British National (Overseas) Passports, but only if—

- (a) the person concerned is seeking a temporary visa that is current for no more than 3 months; and
  - (b) the purpose of the visit does not include medical consultation or treatment.
  
- 6 Permanent residents of Taiwan travelling on Taiwanese passports, but only if—
  - (a) the person concerned is seeking a temporary visa that is current for no more than 3 months; and
  - (b) the purpose of the visit does not include medical consultation or treatment.
  
- 7 People—
  - (a) who are seeking a temporary visa current for no more than 3 months; and
  - (b) who are travelling on a United Nations laissez passer that was issued by the Secretariat of the United Nations pursuant to either the—
    - (i) United Nations Convention on the Privileges and Immunities of the United Nations, done at New York on 13 February 1946; or
    - (ii) United Nations Convention on the Privileges and Immunities of the Specialised Agencies of the United Nations, done at New York on 21 November 1947.
  
- 8 Citizens of the following countries, but only if the person concerned is seeking entry permission and a temporary visa that is current for no more than 3 months and the purpose of the visit does not include medical consultation or treatment:
  - (1) Andorra, Principality of:
  - (2) Argentina:
  - (3) Austria:
  - (4) Bahrain:
  - (5) Belgium:
  - (6) Brazil:
  - (7) Brunei:
  - (8) Bulgaria:
  - (9) Canada:

- (10) Chile:
- (11) Cyprus:
- (12) Czech Republic:
- (13) Denmark:
- (14) Estonia:
- (15) Finland:
- (16) France:
- (17) Germany:
- (18) Greece:
- (19) Hungary:
- (20) Iceland:
- (21) Ireland:
- (22) Israel:
- (23) Italy:
- (24) Japan:
- (25) Korea, Republic of:
- (26) Kuwait:
- (27) Latvia:
- (28) Liechtenstein:
- (29) Lithuania:
- (30) Luxembourg:
- (31) Malaysia:
- (32) Malta:
- (33) Mexico:
- (34) Monaco:
- (35) Netherlands:
- (36) Norway:
- (37) Oman:
- (38) Poland:
- (39) Portugal (having the right of permanent residence in Portugal):
- (40) Qatar:
- (41) Romania:
- (42) San Marino, Republic of:
- (43) Saudi Arabia:
- (44) Singapore:
- (45) Slovak Republic:
- (46) Slovenia:
- (47) South Africa, Republic of:

- (48) Spain:
  - (49) Sweden:
  - (50) Switzerland:
  - (51) United Arab Emirates:
  - (52) United States of America (including Nationals of USA):
  - (53) Uruguay:
  - (54) Vatican City, State of the.
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**Schedule 3**rr 19(1), 25, 29(3)(a),  
30(3)(a), 31**People deemed to hold visa and have been  
granted entry permission**

<b>Class of person</b>	<b>Type of temporary entry class visa person deemed to hold</b>	<b>Period of stay in New Zealand permitted while holding deemed visa</b>
Crew on a ship carrying passengers, cargo, or both (in the ordinary course of business of the ship) between any foreign port and New Zealand	Temporary visa	Until the earlier of— (a) the day and time the ship is given clearance to leave its last port of entry in New Zealand for that voyage; or (b) the expiry of 28 days (calculated on and from the day the ship arrives at its first port of entry in New Zealand on that voyage)
Passengers on a ship carrying passengers, cargo, or both (in the ordinary course of business of the ship) between any foreign port and New Zealand	Temporary visa	Until the earlier of— (a) the day and time the ship is given clearance to leave its last port of entry in New Zealand for that voyage; or (b) the expiry of 28 days (calculated on and from the day the ship arrives at its first port of entry in New Zealand on that voyage)
Crew on a foreign ship authorised by the Minister of Transport under section 198(2) of the Maritime Transport Act 1994 to carry coastal cargo (within the meaning of subsection (6) of that section)	Temporary visa	28 days (the first day being the day on which the ship first arrives in New Zealand)
Aircraft crew on a commercial aircraft flying between any other country and New Zealand	Temporary visa	7 days (the first day being the day on which the aircraft first arrives in New Zealand)

Class of person	Type of temporary entry class visa person deemed to hold	Period of stay in New Zealand permitted while holding deemed visa
<p>Members of a visiting force (including members of the civilian component of the visiting force) and crew members of any craft transporting the visiting force—</p> <p>(a) travelling to New Zealand in the ordinary course of their duty or employment; and</p> <p>(b) arriving in New Zealand at a defence area (within the meaning of section 2(1) of the Defence Act 1990)</p>	Temporary visa	<p>Until the earlier of—</p> <p>(a) the day that the holder ceases to be a member of the visiting force or a crew member of any craft transporting the visiting force; or</p> <p>(b) the day that the holder's duties or employment in New Zealand finishes</p>
<p>Members of, or any person associated with, any scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty within the meaning of the Antarctica Act 1960, or any person to whom section 5 of that Act applies, who have entered the Ross Dependency from a foreign country</p>	Temporary visa	Duration of visit in Ross Dependency
<p>Members of, or any person associated with, any scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty within the meaning of the Antarctica Act 1960, or any person to whom section 5 of that Act applies, who—</p> <p>(a) have entered the Ross Dependency from a foreign country; and</p>	Temporary visa	3 months from the day of arrival in New Zealand territory other than the Ross Dependency

<b>Class of person</b>	<b>Type of temporary entry class visa person deemed to hold</b>	<b>Period of stay in New Zealand permitted while holding deemed visa</b>
(b) subsequently travel to another area of New Zealand		
Guests of the Government granted a visa waiver to travel to New Zealand by special direction	Temporary visa	3 months (the first day being the day of the person's arrival in New Zealand)

Rebecca Kitteridge,  
Clerk of the Executive Council.

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### **Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations are the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010. The regulations come into force at 2 am on 29 November 2010. The regulations prescribe rules relating to visas, entry permission, and related matters for the purposes of the Immigration Act 2009 (the **Act**), including—

- the requirements for applications for all classes of visa that may be granted under the Act:
- the requirements for applying for entry permission:
- exemptions and deeming provisions in relation to visa and entry permission application requirements:
- matters relating to the migrant levy imposed in accordance with section 399 of the Act:
- obligations and requirements (other than in respect of visas) for people entering and leaving New Zealand:
- endorsements of passports.

2010/241 **Immigration (Visa, Entry Permission, and  
Related Matters) Regulations 2010**

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 12 August 2010.

These regulations are administered by the Department of Labour.

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